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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,792	10/22/1999	DENNIS T. MANGANO	9114-004-999	2354

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EXAMINER	
SPIVACK, PHYLLIS G	

ART UNIT	PAPER NUMBER
1614	

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/426,792	MANGANO, DENNIS T.	
	Examiner	Art Unit	
	Phyllis G. Spivack	1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *23 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,13-16 and 49-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-6, 13-16, 49-54* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

RESTRICTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a β_1-adrenergic selective blocking agent.

II. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an α_2 agonist.

III. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a nitrate.

IV. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a calcium channel blocker.

V. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an ACE inhibitor.

VI. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a platelet inhibitor.

VII. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a thrombosis inhibitor.

VIII. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an agent not encompassed in one of the Groups *supra*.

The inventions are distinct, each from the other, for the following reasons:

The Groups have acquired a separate status in the art. Depending on the particular agent contemplated, the Groups would be separately classified. A search for methods of use, comprising the administration of cardiovascular agents such as nitrates, does not suggest methods of use wherein an α_2 agonist is administered. The searches are not co-extensive. The Groups encompass a plethora of compounds resulting in an unreasonable search burden. Thus restriction for examination purposes, as indicated, is proper.

Applicant is advised that to be complete, the reply to this requirement must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Phyllis G. Spivack at telephone number 703-308-4703.

Phyllis Spivack

Phyllis G. Spivack
Primary Examiner
Art Unit 1614

January 27, 2004

PHYLLIS SPIVACK
PRIMARY EXAMINER